

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:09-CV-181-D

REX T. GILBERT, JR., and
DANIELA L. GILBERT,

Plaintiffs,

v.


DEUTSCHE BANK TRUST COMPANY
AMERICAS, as Trustee for
RESIDENTIAL ACCREDIT LOANS, INC.,
DAVID A. SIMPSON, P.C., Substitute Trustee,
RESIDENTIAL FUNDING, LLC, and
GMAC MORTGAGE, LLC,

Defendants.

ORDER

On December 7, 2010, plaintiffs filed a motion for relief pursuant to Rule 60(b) of the Federal Rules of Civil Procedure [D.E. 45]. On June 15, 2011, the court entered an order indicating that should the United States Court of Appeals for the Fourth Circuit return jurisdiction to this court, the court would grant the Rule 60(b) motion, dismiss the federal claims for the reasons stated in its July 7, 2010 order, and remand all state-law claims to Hyde County Superior Court [D.E. 53]. On July 5, 2011, plaintiffs filed a motion to remand in the Fourth Circuit. Gilbert v. Residential Funding LLC, No. 10-2295, [D.E. 35] (4th Cir. July 5, 2011). On August 3, 2011, the Fourth Circuit denied the motion to remand. Id., [D.E. 38]. Therefore, the Rule 60(b) motion is DISMISSED for lack of jurisdiction.

SO ORDERED. This 4 day of August 2011.


JAMES C. DEVER III
United States District Judge